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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/222,494	12/29/1998	DOUGLASS J. WILSON	L09-98-033	3069

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EXAMINER

HO, THE T

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/222,494

Applicant(s)

WILSON ET AL.

Examiner

The T. Ho

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. Claims 1-20 have been examined and are pending in the application.

#### ***Claim Objections***

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are two claims which both are numbered as 3. The second claim 3 (page 96) has been renumbered 4. And claims 4-20 are renumbered as 5-21.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 8-9, 12, 14, and 19-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over Cheng U.S Patent No. 6,151,643.

As to claim 1, Cheng discloses connecting the application (client application 104, Fig. 1) to the information bus (106, Fig. 1) as an event consumer (client computer 101, Fig. 1); identifying data (relevant update for the software product, line 56 column 7) within the application (client application 104, line 55 column 7) that is needed; notifying (click on the continue button 411 to begin the installation process, lines 30-31 column 8) the information bus (106, Fig. 1) of the data needed (software update, line 32 column 8) from other participating applications (software vendor computer 103, line 40 column 8); receiving (indicates, line 9 column 8) notice of the data needed is available (a update to provide new features, lines 9-10 column 8) by data name (Quicken 5.0, line 9 column 8) from another participating application (software vendor computer 103, line 40 column 8); requesting (208, Fig. 2) the data by name (Quicken 5.0, line 9 column 8) via the information bus (106, Fig. 1).

As to claim 6, Cheng further teaches providing a view (403, 405, Fig. 4) associated with the data needed (401 Fig. 4).

As to claim 8, Cheng further teaches providing (stores, line 32 column 6) descriptive and identifying information (applications, binary files, text files, and the like, lines 34-35 column 6) about the data (software updating information, line 34 column 6).

As to apparatus of claim 9, note the discussion of method claim 1 above.

As to claim 12, note the discussion of claim 6 above.

As to computer program product of claim 14, note the discussion of method claim 1 above.

As to claim 19, note the discussion of claim 6 above.

As to claim 21, note the discussion of claim 8 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-3, 7, 10-11, 13, 15-16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng.

As to claim 2, Cheng as disclosed teaches server computer (102, line 61 column 20) using an activity log (table 2, column 21) to record all activities (lines 61-67 column 20). However, Cheng does not teach event listener. It would have been obvious to consider Cheng's feature as an event listener because it performs the function of recording all activities of client computers such as login, logout, or updating software (lines 28-44 and Table 2 column 21).

As to claim 3, Cheng as disclosed teaches changing the requested data (install update 212, Fig. 2) after receipt (download update 209, Fig. 2). However, Cheng does not teach announcing the data change. Instead, Cheng teaches the service provider computer (102, line 62 column 20) keeps information (download done, table2 column 21) in which when (date-time, table 2 column 21) the client computer finished the updating (success, table 2 column 21). It would have been obvious to consider the

activity as discussed above as the client computer would let the server computer know that it has done the updating, therefore the server computer knows exactly the date and time of the finished job.

As to claim 7, Cheng as disclosed does not teach the data as Java Object. However, Cheng discloses client computer request updating software components from server computer or software vendor computer (line 62-66 column 2). It would have been obvious to consider that these software components also contains Java Objects, and the client computer needs to update these objects in order to execute one or more applications.

As to claims 10, and 11, note the discussions of claims 2, and 3 above, respectively.

As to claim 13, note the discussion of claim 7 above.

As to claims 15, and 16, note the discussions of claims 2, and 3 above, respectively.

As to claim 20, note the discussion of claim 7 above.

4. Claims 4-5, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Barnett U.S Patent No. 6,356,948.

As to claim 4, Chang as disclosed does not teach specify the data name. Barnett discloses client application receives data from server computer (Fig. 2); specifying the data name (packet identifier, line 47 column 5) by way of a property (type of data contained in the data packet, lines 63-64 column 5). It would have been obvious to apply the teachings of Barnett to the system of Cheng because the client computer

needs to know what it is getting and if the data is suitable for the client application, therefore it can make the decision of downloading the data or not.

As to claim 5, Barnett further teaches specifying the data name (packet identifier, line 47 column 5) by way of a parameter (packet header 112, Fig. 7).

As to claims 17, and 18, note the discussions of claims 4, and 5 above, respectively.

### ***Conclusion***

The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure.

Kelly U.S Patent No. 6,347,085 discloses method and apparatus for establishing communications between packet-switched and circuit-switched networks.

Goshey U.S Patent No. 6,327,613 discloses method and apparatus for sharing peripheral devices over a network.

Tranbeath U.S Patent No. 6,324,587 discloses method, computer system program product, and data structure for publishing a data object over a store and forward transport.

Abramov U.S Patent No. 6,327,676 discloses test equipment.

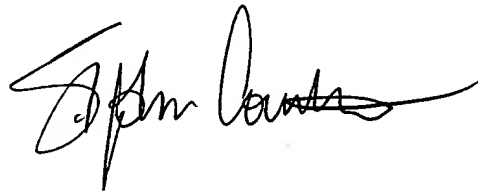
Gish U.S Patent No. 6,304,893 discloses object-oriented system, method and article of manufacture for a client-server event driven message framework in an interprise computing framework system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The T. Ho whose telephone number is 703-306-5540.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

t.h  
March 25, 2002

**ST. JOHN COURTENAY III**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "St. John Courtenay III", written in a cursive style.